

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

*Plaintiff,*

v.

T-MOBILE USA, INC. AND SPRINT CORP.,

*Defendants.*

Civil Action No. 2:23-CV-00379-JRG-RSP

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HEADWATER RESEARCH LLC,

*Plaintiff,*

v.

T-MOBILE USA, INC. AND SPRINT CORP.,

*Defendants.*

Civil Action No. 2:23-CV-00377-JRG-RSP

**JOINT MOTION TO AMEND DOCKET CONTROL ORDER AND ALIGN  
CLAIM CONSTRUCTION PROCEEDINGS WITH VERIZON -352 CASE**

Plaintiff Headwater Research LLC (“Headwater”) and Defendants T-Mobile USA, Inc. and Sprint LLC (“T-Mobile”) jointly file this Joint Motion to Amend Docket Control Order and Align Claim Construction Proceedings with Verizon -352 Case as follows:

Under the operative Docket Control Order (Dkt. 42), the current dates for claim construction briefing and the claim construction hearing are:

- September 20, 2024 – Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)
- October 4, 2024 – Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
- October 11, 2024 – \*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)

- October 18, 2024 – \*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
- November 1, 2024 – \*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Roy Payne.

The parties jointly request a brief extension of each of the above deadlines to align them with the claim construction deadlines in *Headwater Research LLC v. Cellco Partnership d/b/a Verizon Wireless et al.*, 2-23-cv-00352-JRG-RSP (E.D. Tex.) (“Verizon -352 Case”). In that case, Headwater asserts the same patents and claims. Furthermore, in this case and the Verizon -352 Case, the parties (Plaintiff Headwater on one side and Defendants T-Mobile and Verizon on the other side) have identified the same terms for construction and proposed the same constructions for each term. Therefore, all parties believe it is appropriate to consolidate claim construction briefing and conduct one claim construction hearing for this case and the Verizon -352 Case. The adjustments requested herein are not for purposes of delay but instead to preserve the Court and parties’ resources and avoid duplicative briefing and argument on identical issues.

Accordingly, the parties respectfully request that the Court grant this motion and extend the deadlines for the parties to comply with P.R. 4-5(a)–(d) and the claim construction hearing as follows:

- October 8, 2024 – Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)
- October 22, 2024 – Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
- October 29, 2024 – \*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
- November 5, 2024 – \*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
- November 19, 2024 – \*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Roy Payne.

Dated: September 17, 2024

/s/ Marc Fenster

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**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that on September 16, 2024, counsel for the parties conferred to discuss the substance of this Motion pursuant to Local Rule CV-7(h). Counsel for the parties agreed on the substance of this Motion and further agreed to jointly file this Motion.

/s/ Melissa Smith  
Melissa Smith

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 17th day of September 2024.

/s/ Melissa Smith  
Melissa Smith